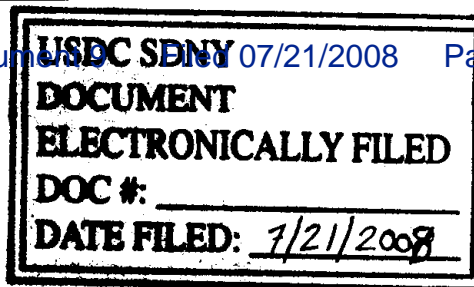


MANDATE



S.D.N.Y. - N.Y.C.
07-cv-8502
Wood, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 23rd day of June, two thousand eight,

Present:

Hon. Pierre N. Leval,
Hon. Guido Calabresi,
Hon. Rosemary S. Pooler,
Circuit Judges.



Jose Maurad,

Plaintiff-Appellant,

v.

08-0953-pr

Sing Sing Correctional Facility Medical
Personnel and Department, *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves to proceed *in forma pauperis* ("IFP"), for appointment of counsel, and for a certificate of appealability ("COA"). Upon due consideration, it is hereby ORDERED that the IFP and appointment of counsel motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e). The COA motion is denied as unnecessary because Appellant's action is not a habeas corpus proceeding, and a COA is not required to appeal from the dismissal of a 42 U.S.C. § 1983 action. *See* 28 U.S.C. § 2253(c).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by  SAO PR
DEPUTY CLERK

By: 

Issued as Mandate:

7/18/08 RD